

# Memorandum



**Date:** June 5, 2007

Agenda Item No. 12(B)6

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

**Subject:** Report on Feasibility of Requiring Background Checks for Certain Volunteers and Staff of Community-Based Organizations (CBOs) and Report on a Sexual Offender's Participation as a Volunteer Coach for a CBO at a County Park

On January 25, 2007, under Resolution R-71-07 sponsored by Commissioner Rolle the County Manager was instructed to provide the Board of County Commissioners (BCC) the following:

1. An explanation of how a registered sexual offender on probation for sexual activity with a child and with a criminal history was allowed to serve as a volunteer coach for a County-funded CBO on a County Park facility.
2. Submit a report regarding the following:
  - a) Feasibility of requiring volunteers and staff of County funded CBOs who work directly with children to obtain background checks;
  - b) The establishment of uniform and more stringent standards for background checks for CBOs including but not limited to, requiring checks annually, requiring fingerprinting of certain CBO volunteers and staff, and establishing and enforcing consequences for failure to comply; and
  - c) Recommendations of proposed amendments to Administrative Order 3-15, or other applicable Administrative Orders, and relevant Code provisions requiring County-funded CBOs to obtain background checks of volunteers and staff who work directly with children.

In response to this BCC directive I have conducted the following research and offer suggested recommendations.

1. The Boys & Girls Club of Miami has a lease agreement with the County to operate and provide recreational programs on a County Park property located at 10915 NW 14 Avenue. Staff had several conversations with Alex Rodriguez Roig, Executive Director of the Boys & Girls Club, to determine how a person with a criminal background was allowed to participate as a volunteer coach in one of their

programs. The circumstances surrounding this issue have prompted the Boys & Girls Club to strengthen their background check procedures that will do more to prevent a recurrence, in the future. According to the Executive Director, the person involved was a familiar parent whose children participated in the program. In the 3-4 years of involvement this person had with the Club, there was never an incident involving this person and a child. The Boys & Girls Club did perform a background check when the individual became a volunteer coach. The identification information provided was false; therefore, the background check revealed no past criminal record. After this was discovered, the Boys & Girls Club initiated stricter identification and background checks that include the following:

- a) Requires the volunteer to provide a document with photo and identification information all on the same document;
  - b) A more rigorous national background check is performed rather than a State background check;
  - c) A unique photo ID that is difficult to duplicate is issued to each volunteer and coach;
  - d) Photo ID must be worn at all times while at the facility and participating in programs; and
  - e) Posters have been installed at the facility letting parents know that each coach and volunteer should be wearing a photo ID and asking them to report any person who is not in compliance.
2. There are currently two vehicles available to the County or specific departments that can provide either background checks for County employees and/or certain CBOs and volunteers. Because the County provides services to children and the elderly, criminal history checks that were previously unavailable can now be accessed through the Florida Department of Law Enforcement (FDLE) and FBI fingerprint based criminal history records databases. As a result, this search can be requested for any position within our organization.

The second vehicle is found in the County Code under Chapter 26, Park and Recreation Department, Article II – Programming Partners Program, Section 26-33 – The Shannon Melendi Act. Section 26-33 (Ordinance 05-122) provides for background checks and identification requirements in the following ways:

- a) All Programming Partner staff and volunteers who will have direct contact with program participants, at their expense, must show proof of official statewide background checks (either through the Florida Department of Law Enforcement or the Miami-Dade Police) for substance abuse, family violence and crimes of moral turpitude. The Department will seek a cooperative agreement with the Miami-Dade Police Department to provide such services at a discount for Partners. All

Programming Partner staff must show proof of legal immigrant status in the United States. The Programming Partner shall keep records of all background checks and proof of legal immigrant status.

b) All Programming Partner staff and permanent volunteer coaches shall wear picture identification at all times while on County property and at all times when in direct contact with program participants.

Legislation dealing with the establishment of uniform and more stringent standards for background checks for CBOs was forwarded to the Board with some amendments with a favorable recommendation by the Recreation and Cultural Affairs Committee at the April 9, 2007 meeting. The Board considered the item on May 8, 2007. The ordinance addresses many of the concerns expressed in Resolution R-72-07, sponsored by Commissioner Rolle. The legislation will supplant the current Section 26-33 of the Code. Staff would also recommend that Administrative Order 3-15 be amended to include reference to any new background check requirements approved by the Board of County Commissioners.



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Alex Muñoz  
Assistant County Manager

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(12)

Veto \_\_\_\_\_

01-25-07

Override \_\_\_\_\_

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-71-07

RESOLUTION DIRECTING THE COUNTY MANAGER TO  
STUDY THE FEASIBILITY OF REQUIRING BACKGROUND  
CHECKS FOR CERTAIN VOLUNTEERS AND STAFF OF  
COMMUNITY-BASED ORGANIZATIONS ("CBOs") AND  
REPORT ON A SEXUAL OFFENDER'S PARTICIPATION AS  
A VOLUNTEER COACH FOR A CBO AT A COUNTY PARK

**WHEREAS**, Miami-Dade County contracts with and provides funding to numerous CBOs that provide services to children at County park and recreation facilities; and

**WHEREAS**, Administrative Order 3-15 establishes uniform standards for advertisement, selection, monitoring and award of agreements to CBOs, but does not create standards for requesting or verifying background checks of volunteers or staff; and

**WHEREAS**, it is in the best interest of the County that CBOs whose volunteers or staff have direct contact with children be required to follow established guidelines regarding background checks; and

**WHEREAS**, it was recently reported that a registered sexual offender with a criminal history of sexual offenses with children, and who is currently on probation for sexual activity with a child, was a volunteer coach for a County-funded CBO providing activities at a County park in northwest Miami; and

**WHEREAS**, said County-funded CBO was not a participant in the Parks and Recreation Department's Programming Partners Program which requires a background check; and

**WHEREAS**, this Board desires that the County Manager review the feasibility of requiring CBO staff and volunteers to obtain background checks, review the adequacy of the

County's current Code provisions and Administrative Orders regarding CBO background checks, and evaluate the establishment of uniform standards,

~~NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY~~  
**COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Manager as follows:

Section 1. Within thirty (30) days of the effective date of this resolution, submit a written report to the Board explaining how a registered sexual offender on probation for sexual activity with a child and with a criminal history for sexual offenses with children, was allowed to serve as a volunteer coach for a County-funded CBO at a County park and recreation facility.

Section 2. Within thirty (30) days of the effective date of this resolution, submit a written report to the Board regarding the following: (a) the feasibility of requiring volunteers and staff of County-funded CBOs who work directly with children to obtain background checks; (b) the establishment of uniform and more stringent standards for background checks for CBOs including, but not limited to, requiring that said checks be conducted annually, requiring fingerprinting of certain CBO volunteers and staff, and establishing and enforcing consequences for failure to comply; and (c) recommendations of proposed amendments to Administrative Order 3-15, or other applicable Administrative Orders, and relevant Code provisions requiring County-funded CBOs to obtain background checks of volunteers and staff who work directly with children.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **KAY SULLIVAN**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

*APW*

Abigail Price-Williams

## MEMORANDUM

Agenda Item No. 11(A)(12)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

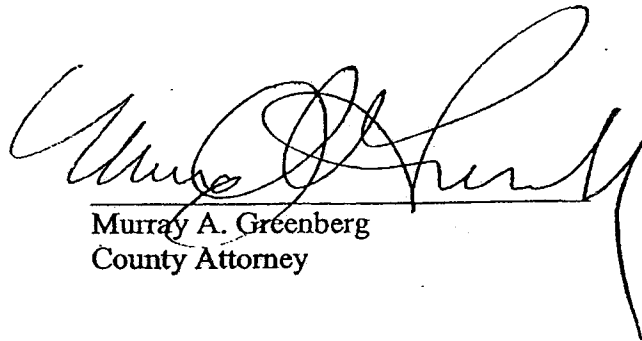
**DATE:** January 25, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution directing  
County Manager to study  
feasibility of requiring  
background checks for  
certain volunteers and staff  
of CBOs

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.



Murray A. Greenberg  
County Attorney

MAG/bw

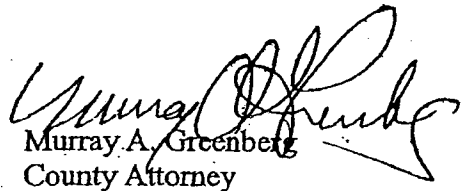


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM:   
Murray A. Greenberg  
County Attorney

SUBJECT: Agenda Item No. 11(A) (12)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review